



BOARD OF SUPERVISORS  
AGENDA LETTER

Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

Agenda Number:

Department Name: Flood Control  
Department No.: 054  
For Agenda Of: 09/01/09  
Placement: Administrative  
Estimated Tme: N/A  
Continued Item: No  
If Yes, date from:  
Vote Required: 4/5

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**TO:** Board of Directors, Flood Control and Water Conservation District

**FROM:** Department Scott McGolpin, Public Works Director, 568-3010  
Director(s)  
Contact Info: Thomas D. Fayram, Deputy Public Works Director, 568-3436

**SUBJECT:** **Jesusita Fire Hydromulching Project, 1<sup>st</sup> and 2<sup>nd</sup> Supervisorial Districts**

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: Yes

**Other Concurrence:** Risk Management

As to form: Yes

**Recommended Actions:**

- a) Authorize the Purchasing Agent to waive bidding procedures and execute an Agreement with Western States Reclamation Inc. (not a local vendor) in an amount not-to-exceed **\$4.6 million** for aerial hydromulching services in response to the Jesusita Fire on non-federal land for the period of September 2 through October 19, 2009 (4/5 vote required).
- b) Approve the attached Budget Revision Request (BJE #2008035) to release \$180,000 in designations from the South Coast Flood Zone, to receive \$4,420,000 in unanticipated revenue (\$3,680,000 from the Natural Resource Conservation Service, \$690,000 from State Cal Emergency Management Agency (EMA), and \$50,000 from the City of Santa Barbara, and to increase Services and Supplies in the amount of \$4,600,000 (4/5 vote required).
- c) Approve and authorize the Chair to execute an Agreement with the City of Santa Barbara for the City's cost sharing on the project in the amount of \$50,000.
- d) Approve the attached CEQA Notice of Exemption.

**Summary Text:**

The Jesusita Fire burned over 8,700 acres in the mountains above Santa Barbara and Eastern Goleta. The Fire burned a significant portion of watershed area directly adjacent and above the urban – forest interface. After every fire, the coming winter poses a serious threat to mudslides, debris flows, sedimentation and a significant increase in runoff, all of which poses a serious hazard to downstream areas.

The Burn Area Emergency Response (BAER) Report for the Jesusita Fire was completed on May 26, 2009 by the USFS. The BAER Report identifies aerial hydromulching as an effective land treatment available for USFS lands given the complete loss of vegetative cover and the topography and access issues on federal property. This treatment will provide immediate ground cover and increase infiltration which will help reduce flood peaks and sediment yield to downstream areas. On areas outside of the forest boundary, the County has proposed the same treatment on non-federal lands as was done following the Gap Fire. This work was identified in the County's Emergency Watershed Response Plan for the Jesusita Fire and approved by the Natural Resources Conservation Service (NRCS) for funding. The NRCS will be funding up to 75% of the costs, with an additional cost share expected from the State Cal EMA (previously called Office of Emergency Services). This work compliments the other response projects that are under implementation at this time. The USFS, who is sole sourcing as well, proposes 200-300 acres for hydromulching, while the County proposes between 1,000 and 1,300 acres depending on land owner participation.

On July 7, 2009, the Board approved the Emergency Watershed Response Plan for the Jesusita Fire, of which one element of the plan is hydromulching of applicable lands. To be feasible for hydromulching, the area under consideration must meet several specifications. First, the slopes cannot be greater than 60%. Slopes in excess of 60% are too steep for this application to be effective. Second, lands must be greater than 25% in slope, as slopes less than 25% in general are less susceptible to erosion and thus the treatment is not needed. Third, the burn intensity of the watershed area to be hydromulched must have a burn intensity of either Medium or High. And lastly, the permission of the landowner is required.

As with the Gap Fire, the USFS is pursuing a contractor for the Hydromulch application. Western States Reclamation and Aero Tech Inc. completed the work on the Gap Fire and both the USFS and Public Works staff believe the contractor did a superior job in performing the work. While there were concerns over the issue of contaminants in the mulch mix used on the Gap Fire, that issue is a function of the specifications of mulch mix. The technical expertise of the application of the mulch is also critical and the Contractor proved their abilities in the Gap Fire application.

As mentioned above, the Gap Fire Hydromulch mix was a specification detailed by the USFS that included the use of recycled material. While use of recycled materials is a laudable, there were minor occurrences of contamination in the mix, including some contamination with plastics that did occur. Following the Gap Fire Mulch project, the Public Works Department was asked by several entities to agree to specify 100% plastic free materials in any future mulch project. Along with the USFS, the Public Works Department agreed to specify 100% Plastic free mulch mix in any future hydromulch contract specifications.

Staff is again recommending a service contract with Western States Reclamation, Inc. The recommendation is based on the Contractor's proven track record in aerial mulching operations around

the Country, their familiarity with the local conditions, and their working relationship with the Santa Barbara Airport staff and FAA staff. There are no local vendors that provide this service. Aerial hydromulching will be applied to approximately 1,200 acres of private land, and local public agency land, to provide a reduction in runoff and provide protection from rain drop impact. The aerial mulching will also provide a better opportunity for the germination of native seeds existing in the soil. The mulching material itself will not contain any seeds, is organic and non-toxic. It will be applied by aerial methods. This aerial hydromulching will only be applied to properties in which the landowners have agreed to have this work performed on their property and have signed the County’s Right of Entry Agreement.

County Code section 2-39 allows your Board to waive bids where there are limitations on the source or supply, necessary restrictions in specifications, or other valid reasons. In the matter before you today, there are only a limited number of contractors providing this specialized service. Approval of this contract will allow the County to take advantage of the NCRS funding and the availability of this contractor. This is the same contractor that completed the work following the Gap Fire.

This project is exempt from further CEQA review pursuant to § 15269(c), being an action necessary to prevent or mitigate an emergency likely to occur within a short time.

**Background:**

The Jesusita Fire started on May 6, 2009 in the foothills above Santa Barbara in the Los Padres National Forest. The fire burned several major watersheds above the City of Santa Barbara and a portion of the unincorporated Goleta area.

Aerial hydromulching is one of several projects being done in response to the Jesusita Fire.

**Fiscal and Facilities Impacts:**

Budgeted: No

**Fiscal Analysis:**

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
City of Santa Barbara	\$ 50,000.00		
USDA NRCS	\$ 3,680,000.00		
South Coast FZ	\$ 180,000.00		
Cal EMA	\$ 690,000.00		
Total	\$ 4,600,000.00	\$ -	\$ -

Narrative:

The USDA Natural Resources Conservation Service has approved Funding for the project, as they did with the Gap Fire. The NRCS will fund 75% of the cost for the project, in addition the State will participate in the non-Federal Share as they did in the Gap Fire, and finally, the City of Santa Barbara has pledged an additional \$50,000 in funding to the project as well.

NRCS is utilizing Exigency Funding (Emergency) and as such the County has 60 days to complete all of the work approved by NRCS (debris basin clean out, debris rack construction, channel excavation, and hydromulching). The 60 day time limit will provide for all work to be completed by mid October which is the onset of the threat of winter rains. If any element of work is not completed within the 60 day window, the federal funding will be likely lost.

The attached budget revision to fund this project is to release \$180,000 in designations from the South Coast Flood Zone, to receive \$4,420,000 in unanticipated revenue (\$3,680,000 from the Natural Resource Conservation Service, \$690,000 from State Cal EMA, and \$50,000 from the City of Santa Barbara), and to increase Services and Supplies in the amount of \$4,600,000.

**Staffing Impacts:**

**Legal Positions:**

**FTEs:**

**Special Instructions:**

Direct the Clerk of the Board to send copies of the minute order, Agreement for Cost Sharing, and Budget Revision to the Flood Control District office, Attn: Christina Lopez.

**Attachments:**

Budget Revision BJE #2008035

**Authored by:**

Thomas Fayram, Deputy Public Works Director, 568-3436